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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Heino FOERSTERLING et al.

Group Art Unit: 3683

Application No.: 10/530,570

Examiner: M. BURCH

Filed: April 7, 2005

Docket No.: 123209

For: DAMPING DEVICE

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the April 6, 2007 Election of Species Requirement, Applicants provisionally elect Species I, shown in Figure 2. The election is made with traverse. At least claims 14-22 and 24-26 read on the elected species, and are generic to all species.

With regard to the Election of Species Requirement, the Examiner remarks, *inter alia*, that the claims lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1 due to the arrangement of the hydraulic accumulator, which is allegedly different between Figures 2 and 3.

However, claim 14 covers a damping device with a hydraulic accumulator integrated within the differential cylinder (see, e.g., Figure 3) or with an external hydraulic accumulator (see, e.g., Figure 2). Accordingly, the embodiments shown in Figures 2 and 3 is based on a single general inventive concept. Thus, the claims satisfy unity of invention.

It is also respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Eric D. Morehouse  
Registration No. 38,565

JAO:EDM/eks

Date: May 7, 2007

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

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